

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7071

BILL NUMBER: HB 1456

NOTE PREPARED: Feb 2, 2015

BILL AMENDED: Jan 29, 2015

SUBJECT: Servicemembers Civil Relief Act.

FIRST AUTHOR: Rep. Zent

FIRST SPONSOR: Sen. Glick

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill creates the Servicemembers Civil Relief Act. It provides that protections under Indiana's Civil Relief Act supplement protections for servicemembers under the federal Servicemembers Civil Relief Act. The bill also sets forth duties for the Indiana National Guard regarding information to be posted on its web site concerning the Servicemembers Civil Relief Act.

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Office of the Attorney General:* The bill may result in additional actions brought by the Attorney General against a person that violates the bill's provisions. The bill's requirements should be able to be implemented with no additional appropriations.

Indiana National Guard: The bill requires the Indiana National Guard to publish on its web site a list that can be used to determine if a National Guard member has been ordered to active duty as well as a list of the rights of servicemembers and their dependents under the state and federal Servicemembers Civil Relief Acts. The Indiana National Guard should be able to implement this provision within its existing level of staffing and resources.

Explanation of State Revenues: *Court Fee Revenue:* The bill allows the Attorney General to bring a civil action to enforce the Servicemembers Civil Relief Act. As a result, there may be additional civil actions. Actual increases in court fee revenue due to those cases are indeterminable. The Attorney General is not required to pay a civil filing fee. However, if the Attorney General prevails in a lawsuit, the defendant in the case is required to pay all court fees.

Revenue to the state General Fund may increase as a result of any additional civil actions and court fees. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Revenue from the pro bono services fee (\$1) is transferred by the State Auditor to the Indiana Bar Foundation to assist with pro bono legal services programs in Indiana. Proceeds from the automated record keeping fee (\$5) are deposited into the State User Fee Fund. Additional fees may be collected at the discretion of the judge.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Court Fee Revenue:* If the Attorney General prevails in a civil action, the defendant may be required to pay to local governments the fees associated with civil actions. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge. Persons filing a civil cases are also required to pay document storage fees (\$2), document fees (\$1 per document), and service fees (\$10) that are deposited in local funds.

State Agencies Affected: Office of the Attorney General, Indiana National Guard.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

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